

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

BAUSCH & LOMB INCORPORATED,  
Plaintiff,

- VS -

MIMETOGEN PHARMACEUTICALS  
INC.,  
Defendant.

MIMETOGEN PHARMACEUTICALS,  
INC.,  
Counterclaim  
Plaintiff,

- VS -

BAUSCH & LOMB INCORPORATED,  
Counterclaim  
Defendant,

and

VALEANT PHARMACEUTICALS  
INTERNATIONAL, INC.,  
Third-party  
Defendant.

**STIPULATION REGARDING  
SERVICE AND DATE TO  
RESPOND TO ANSWER  
WITH COUNTERCLAIMS  
AND THIRD PARTY CLAIMS**

Case No. 14-cv-6640-FPG

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned  
attorneys for the parties herein that:

1. Third-party Defendant Valeant Pharmaceuticals International, Inc. (“Valeant”) agrees to waive service of the Answer with Counterclaims and Third Party Claims (Dkt. 6) (the “Answer”) pursuant to Rule 4(d) of the Federal Rules of Civil Procedure;

2. The waiver of service referenced in paragraph 1 shall be deemed to have occurred as of February 19, 2015;
3. Valeant waives the right to any further service of the Answer, and the parties agree that any subsequent actual or attempted service of the Answer on Valeant shall be considered to be null and void and shall be disregarded by all parties;
4. Notwithstanding any rule that may provide for a different date for Valeant or Plaintiff/Counterclaim Defendant Bausch & Lomb Incorporated (“B+L”) to respond to the Answer, the parties agree that Valeant and B+L will move, answer or otherwise respond to the Answer on or before March 12, 2015.

DATED: February 23, 2015

**NIXON PEABODY LLP**

/s/ Carolyn G. Nussbaum  
Carolyn G. Nussbaum, Esq.  
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Defendant Bausch & Lomb Incorporated  
and Third-party Defendant Valeant  
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DATED: February 23, 2015

**SHLANSKY LAW GROUP, LLP**

/s/ Travis M. Tatko  
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SO ORDERED:

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Hon. Frank P. Geraci, Jr.